

REMARKS

By the Amendment the abstract has been shortened in length, the specification has been amended to improve its presentation, claim 1 has been replaced by new claim 6 which better defines the invention, and claims 2-5 have been amended to properly depend from new claim 6. Entry is requested.

In the outstanding Office Action the examiner has rejected claims 1 and 5 under 35 U.S.C. 102(b) as being anticipated by Eagan et al.

The inventors assert that this rejection is without merit.

Eagan et al. disclose a method and apparatus for controlling an engine test apparatus using lead-lag control. The method includes producing a control mode signal indicative of a desired feedback mode and a respective set point, receiving the control mode signal and responsively sensing an operating characteristic of the engine test apparatus corresponding to the desired feedback mode and responsively producing a respective operating characteristic signal, receiving the control model signal, the respective operating characteristic signal, and the set point and responsively operating a throttle actuator using closed loop control based on the set point, and compensating for dynamic aspects of the engine's response using lead-lag phase compensation in response to the desired lead-lag one of throttle position, torque and engine speed feedback modes, the lead-lag compensation having a transfer function of

$K \bullet (s+a)^2 / (s+b)^2$ where K, a and b are constants.

It is quite clear that the method of Eagan et al. is similar to the prior art as discussed in the present specification on pages 1-3 and is in fact not at all suggestive of the method of the present invention. Most significantly, Eagan et al. do not disclose a step of determining parameters of set point defaults during a measuring phase preliminary to an actual test run (see new claim 6). This step is critical to the present invention (see page 3, line 25 to page 4, line 6).

The examiner's anticipation rejection based on Eagan et al. must be withdrawn.

The examiner has rejected claims 2 and 4 under 35 U.S.C. 103(a) as being unpatentable over Eagan et al. in view of Nakanishi et al., and claim 3 under 35 U.S.C. 103(a) as being unpatentable over Eagan et al. in view of Nakanishi et al, and Constancis.

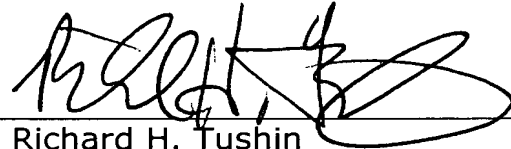
However, neither Nakanishi et al. nor Constancis can be said to overcome the basic deficiencies in Eagan et al. in suggesting the invention of claim 6. Therefore, claims 2, 3 and 4 are asserted to be patentable since claim 6 is believed to be patentable.

Favorable reconsideration is requested.

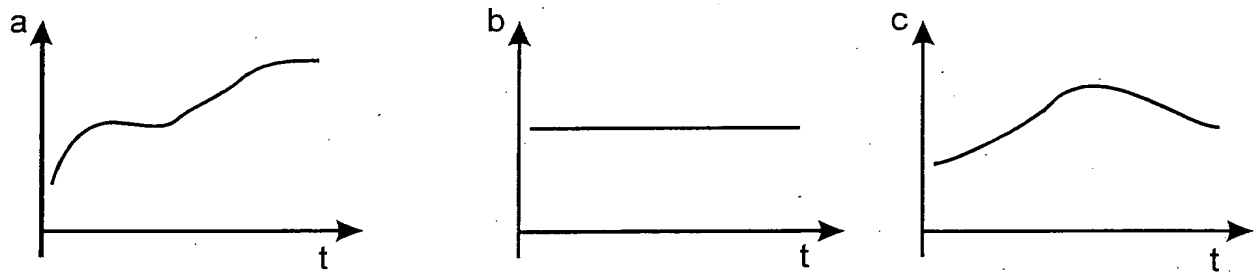
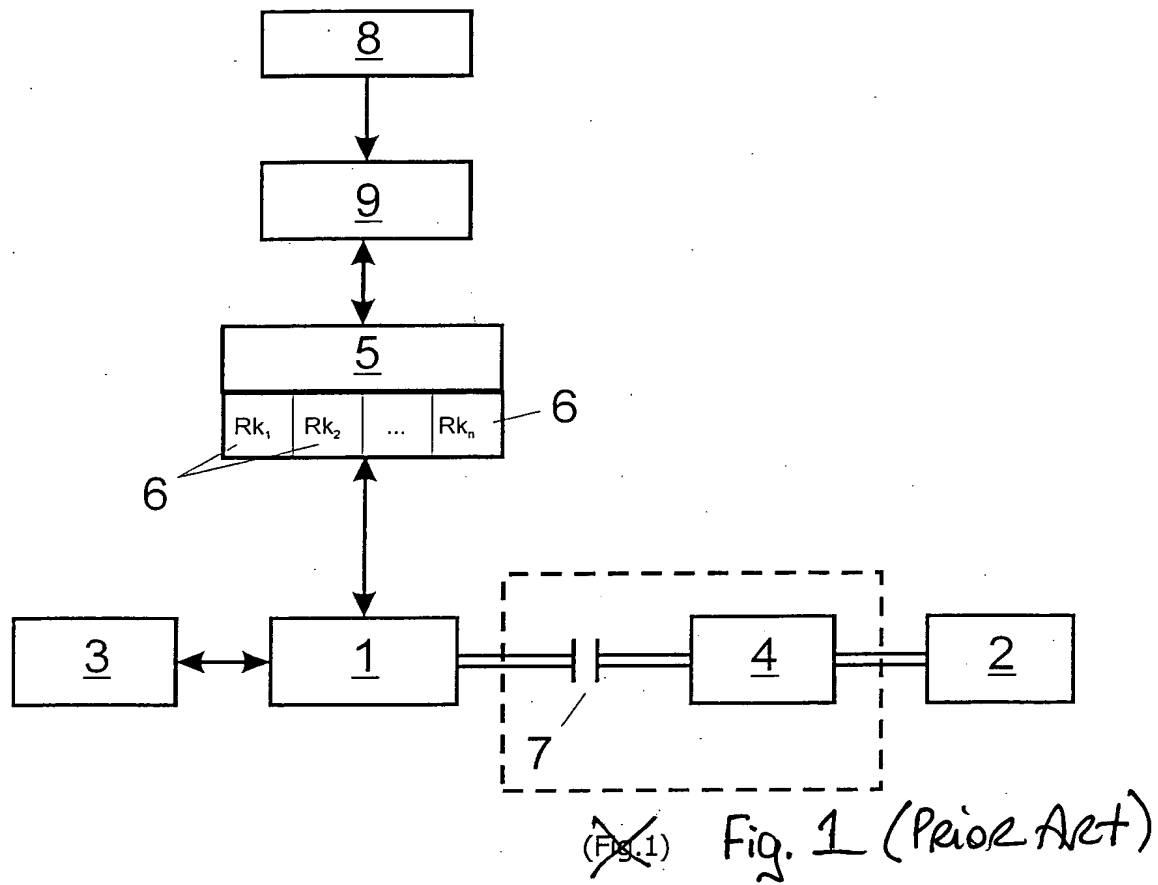
Respectfully submitted,

DYKEMA GOSSETT PLLC

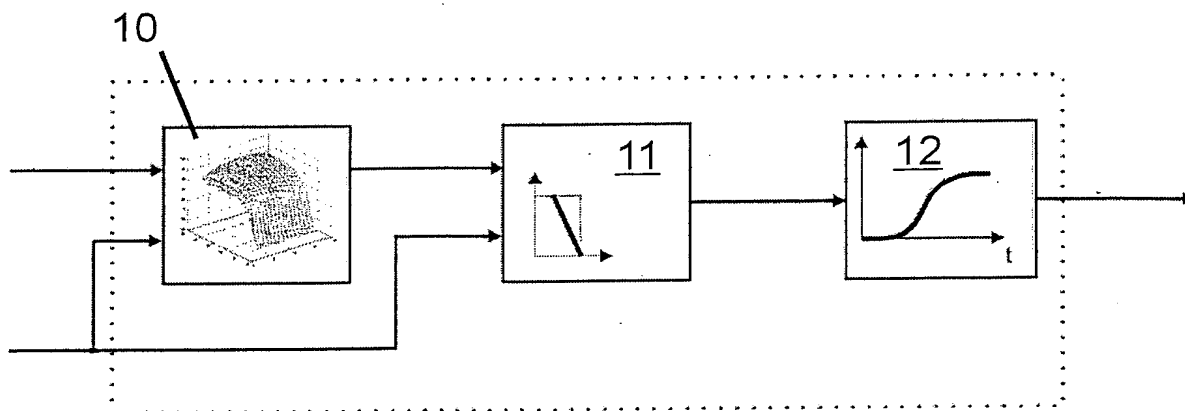
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A handwritten signature in black ink, appearing to read 'R. Tushin', is written over a horizontal line.

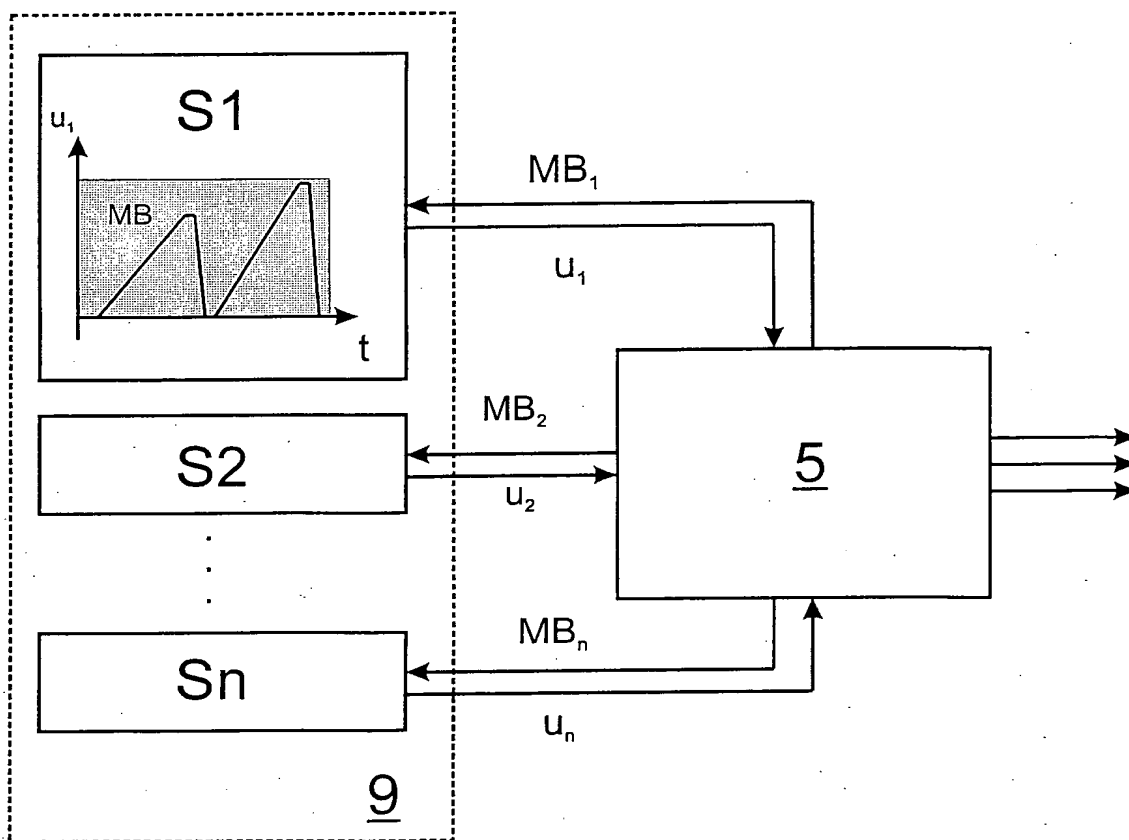
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~~(Fig.2)~~ Fig. 2



~~(FIG. 3)~~ Fig. 3



~~(FIG. 4)~~ Fig. 4